

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

UNITED STATES OF AMERICA
VS.
ELIJAH RAYMOND ENGRAM

PLAINTIFF
NO. 4:21-CR-12
DEFENDANT

CHANGE OF PLEA HEARING BY VIDEOCONFERENCE

BEFORE HONORABLE DEBRA M. BROWN
CHIEF UNITED STATES DISTRICT JUDGE

Greenville, Mississippi
September 22, 2021

APPEARANCES:

For the Government: JULIE HOWELL ADDISON, ESQUIRE
U.S. ATTORNEY'S OFFICE
900 Jefferson Avenue
Oxford, Mississippi 38655

For the Defendant: MERRILL K. NORDSTROM, ESQUIRE
FEDERAL PUBLIC DEFENDER'S OFFICE
1200 Jefferson Avenue
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Court Reporter: BRENDA D. BLACKBURN, RPR, CCR #1087
FEDERAL OFFICIAL COURT REPORTER
305 Main Street
Greenville, Mississippi 38701

1 (CALL TO ORDER OF THE COURT.)

2 **THE COURT:** Good morning. Be seated, please.

3 Our first case today is United States of America
4 versus Elijah Raymond Engram. This is a change of plea
5 hearing. It is taking place pursuant to videoconferencing
6 based on Mr.~Engram's consent.

7 Who is here as counsel for the government?

8 **MS. ADDISON:** Good morning, Your Honor. Julie
9 Addison on behalf of the United States.

10 **THE COURT:** Good morning.

11 And counsel for the defendant?

12 **MS. NORDSTROM:** Good morning, Your Honor. Merrill
13 Nordstrom.

14 **THE COURT:** Good morning.

15 And would our representative from probation please
16 identify herself.

17 **PROBATION OFFICER:** Kimberlee Hatter, Your Honor.
18 I apologize for the delay. I had a hard time getting
19 connected. Clay had to come in and get me connected to the
20 system and Jabber. I do apologize to the Court.

21 **THE COURT:** No worries. We just weren't sure where
22 you were. You saw I sent you an e-mail only because I
23 didn't even know that much at the time. So glad to have you
24 join us.

25 **PROBATION OFFICER:** Okay. I apologize.

1 **THE COURT:** Can everyone hear me? Okay, I presume
2 you will, unless you tell me otherwise.

3 We will start then by administering the oath to our
4 defendant.

5 **COURTROOM DEPUTY:** Raise your right hand, please.

6 Mr.~Engram, can you raise your right hand?

7 (OATH ADMINISTERED BY COURTROOM DEPUTY.)

8 **THE COURT:** You may put down your hand, sir.

9 Sir, are you Elijah Raymond Engram?

10 **THE DEFENDANT:** Yes, ma'am.

11 **THE COURT:** Is that your full legal name,
12 Mr.~Engram?

13 **THE DEFENDANT:** Yes, Your Honor, it is.

14 **THE COURT:** Do you understand, Mr.~Engram, that
15 you're now under oath and if you answer any question I ask
16 you falsely, your false answer may be used against you in a
17 prosecution for perjury or making a false statement?

18 **THE DEFENDANT:** Yes, ma'am.

19 **THE COURT:** Do you understand you have the right to
20 remain silent and not answer any of the Court's questions?

21 **THE DEFENDANT:** Yes, ma'am.

22 **THE COURT:** Mr.~Engram, you heard me say at the
23 beginning that this hearing was taking place pursuant to
24 videoconferencing and that was based upon your consent. The
25 consent I was referring to is a written document that was

1 filed on the docket in this case in which you waived your
2 right to an in-person hearing and consent to
3 videoconferencing. Are you aware of what document I'm
4 referring to?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** Now, I know we're appearing by
7 videoconferencing, but I need to ask, to the extent that
8 that document shows that you signed it -- you, yourself,
9 signed it, can you confirm that you did indeed sign that
10 document?

11 **THE DEFENDANT:** Yes, Your Honor, I did indeed sign
12 the document.

13 **THE COURT:** Did you have the opportunity to speak
14 with your attorney about waiving your right to an in-person
15 hearing and proceeding by videoconferencing before you
16 signed the document?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** For purposes of our record on this
19 hearing today, Mr.~Engram, do you waive your right to an
20 in-person hearing and consent to this hearing proceeding by
21 videoconferencing?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** Now, Mr.~Engram, if at any point during
24 this hearing you change your mind and decide that you want
25 an in-person hearing, just get my attention any way you can

1 immediately, and we will set it for an in-person hearing.

2 Do you understand?

3 **THE DEFENDANT:** Yes, ma'am.

4 **THE COURT:** Now, you see as well that I'm wearing a
5 mask. Again, I don't need to tell you-all why, I'm sure.
6 But I know sometimes it interferes with whether or not you
7 can hear me. So, if at any point you can't hear me, please
8 again immediately stop me and let me know, and we will
9 remedy that as soon as we can.

10 Mr.~Engram, I've been advised that you now wish to
11 plead guilty to Count 2 of the indictment. Is that correct?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** And I understand it's a conditional
14 plea to the extent that you reserve your right to appeal the
15 ruling on the motion to suppress that I made. Is that
16 right?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** I'm sorry. Would you say that again,
19 sir.

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** Okay. Thank you.

22 Mr.~Engram, I also understand that this conditional
23 plea will be pursuant to a written plea agreement with the
24 government. Is that right?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** I have a number of questions to ask you
2 then, Mr.~Engram. The goal of my questions are to make sure
3 that you are fully informed of your rights and that you
4 understand your rights in this proceeding. So it is very
5 important that you understand all of the questions that I
6 ask. If you do not understand a question, let me know and I
7 will clarify it. Also, although we are proceeding by
8 videoconferencing, we do have the ability to allow you to
9 speak privately with your attorney if you wish. So if there
10 is any point during this hearing you would like to speak
11 with your attorney, and of course, if your attorney would
12 like to speak with you, we will have everyone else drop off
13 so you can have that private conversation. But as with the
14 other things I've mentioned, you have to let me know that
15 that is something you want to do; get my attention any way
16 you can. All right?

17 **THE DEFENDANT:** Yes, ma'am.

18 **THE COURT:** Mr.~Engram, can you tell me first how
19 old you are?

20 **THE DEFENDANT:** I'm 61.

21 **THE COURT:** What is the highest level of schooling
22 you've completed?

23 **THE DEFENDANT:** Eleventh grade.

24 **THE COURT:** Say that again, please, sir.

25 **THE DEFENDANT:** I think it was eleventh grade.

1 **THE COURT:** Okay. So you didn't get a high school
2 diploma?

3 **THE DEFENDANT:** No, I did not.

4 **THE COURT:** And you've at no point taken any type
5 of course where you would obtain a diploma equivalent, like
6 a GED?

7 **THE DEFENDANT:** Uh, no, Your Honor. I think back
8 then I signed up for the class but for some odd reason I
9 didn't attend.

10 **THE COURT:** Okay. Mr.~Engram --

11 **THE DEFENDANT:** I can't remember because it's been
12 so long ago.

13 **THE COURT:** That's all right. Have you consumed
14 any medication, drugs, alcohol, or any other substance that
15 may interfere with your ability to understand things and
16 what will happen during this hearing?

17 **THE DEFENDANT:** No, Your Honor.

18 **THE COURT:** Is there any medication that you're
19 prescribed to take on a regular basis?

20 **THE DEFENDANT:** No, Your Honor.

21 **THE COURT:** Have you ever been treated or
22 hospitalized for an addiction to drugs?

23 **THE DEFENDANT:** No, Your Honor. But I have
24 received drug and alcohol treatment.

25 **THE COURT:** You have received drug and alcohol

1 treatment. When was the last time that you received such
2 treatment?

3 **THE DEFENDANT:** I entered a program in 2003, and it
4 lasted -- I mean, periodically, I still -- when I visit
5 Jackson, I still go to a AA meeting.

6 **THE COURT:** The treatment you referred to, though,
7 was that an outpatient treatment?

8 **THE DEFENDANT:** Well, it was out -- I had a -- I
9 signed myself into a treatment center.

10 **THE COURT:** Okay. Now that --

11 **THE DEFENDANT:** It was a 105-day program. After
12 the program, I was given the option to stay a little longer
13 or discharge. I chose to discharge without having secondary
14 treatment. And I come to the conclusion less than a year
15 later that I really wasn't ready at that time. Not because
16 I continued to use drugs. It was because I wanted to change
17 my way of life. I wanted to change. I wanted to not use
18 drugs. So I checked myself again into a secondary
19 treatment. Which it gave me the opportunity to reacquaint
20 myself with the living conditions of the outside world, you
21 know, without drugs and alcohol. And I think that lasted --
22 that lasted, I think, four years in that facility. And
23 during that time, I regained my footings as far as society.
24 And I continued to not use drugs until today.

25 **THE COURT:** Until today? You said --

1 **THE DEFENDANT:** I mean, until --

2 **THE COURT:** -- that you --

3 **THE DEFENDANT:** No, I haven't used drugs until now
4 -- since.

5 **THE COURT:** Okay, you -- that's what I wanted you
6 to clarify. Very good.

7 **THE DEFENDANT:** Yes, ma'am.

8 **THE COURT:** And so you said you also have had some
9 -- you go to AA meetings?

10 **THE DEFENDANT:** Yes, ma'am.

11 **THE COURT:** And when was the last AA meeting that
12 you went to?

13 **THE DEFENDANT:** I've been incarcerated since May
14 the 25th, and at least once a month before that. Like,
15 during the first of the month, I normally go to a meeting.

16 **THE COURT:** So alcohol abuse is something that you
17 deal with still even today?

18 **THE DEFENDANT:** No. No, ma'am. Not necessarily
19 that part of it. I wouldn't say I'm cured, because you
20 never get cured. I mean, anything can happen. But I'm
21 still practicing my sobriety.

22 **THE COURT:** Very good.

23 Mr.~Engram, have you been treated or hospitalized
24 ever for any mental or emotional illness?

25 **THE DEFENDANT:** No, Your Honor.

1 **THE COURT:** And do you have any physical or mental
2 condition that would prevent you from hearing what is going
3 to happen here today or from understanding the consequences
4 of a guilty plea?

5 **THE DEFENDANT:** No, Your Honor.

6 **THE COURT:** I do find then that you are competent
7 to enter a plea in this case.

8 Next, I'm going to ask you some questions about
9 your legal representation before we get deep into this
10 hearing.

11 Your attorney, Ms.~Nordstrom, is there with you. I
12 have a simple three questions. But if you need to
13 elaborate, please do so. First one, are you satisfied with
14 your attorney's representation of you?

15 **THE DEFENDANT:** I'm deeply satisfied with my
16 representation.

17 **THE COURT:** Do you believe that your attorney has
18 represented your best interests in this case?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** And have you had enough time to speak
21 with your attorney about your case and have your attorney
22 answer any and all questions you had about your case?

23 **THE DEFENDANT:** Yes, Your Honor, I have, when
24 possible to contact her from being incarcerated. Yeah, I
25 have.

1 **THE COURT:** Very good.

2 **THE DEFENDANT:** Yeah, I have been.

3 **THE COURT:** Very good, sir.

4 We're going to turn next then, Mr.~Engram, to the
5 indictment pending against you in this case. To the extent
6 the Court's been advised that you wish to plead guilty to
7 Count 2, I wanted to summarize what that count charges.

8 Count 2 charges you with possessing a firearm as a
9 felon in violation of 18 U.S.C. §922(g). And again, that
10 was just a summary of the charges in the indictment,
11 Mr.~Engram. Would you like to have the indictment read or
12 do you waive reading of the indictment?

13 **THE DEFENDANT:** Your Honor?

14 **THE COURT:** Do you want me to repeat the question?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Would you like to have the Court read
17 the indictment, or do you waive -- in other words, choose
18 not to have the Court read the indictment?

19 **THE DEFENDANT:** Well, I wish the Court not read it,
20 Your Honor.

21 **THE COURT:** Okay. Thank you, sir.

22 It is important to the Court, Mr.~Engram, that you
23 have indeed read the indictment and discussed it with your
24 attorney. Have you done so?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** And are you fully aware of what you're
2 charged with in Count 2?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** With respect to Count 2, Mr.~Engram,
5 there are certain elements of proof associated with it which
6 if your case went to trial, the government would have to
7 prove against you beyond a reasonable doubt before you could
8 be found guilty. And for purposes of our record today, I'm
9 going to ask the government's attorney to state those
10 elements.

11 Please do so, Ms.~Addison.

12 **MS. ADDISON:** Yes, Your Honor in order to prove
13 Mr.~Engram guilty of possession of a firearm by a convicted
14 felon as charged in Count 2 of the indictment, the
15 government would have to prove with legal and competent
16 evidence each of following elements beyond a reasonable
17 doubt.

18 First: That the defendant possessed a firearm as
19 charged.

20 Second: That before the defendant possessed the
21 firearm, the defendant had been convicted in a court of a
22 crime punishable by imprisonment for a term in excess of one
23 year, that is, a felony offense.

24 Third: That the defendant knowingly possessed the
25 firearm as a prior convicted felon.

1 And fourth: That the firearm possessed had
2 traveled in interstate or foreign commerce, that is, before
3 the defendant possess the firearm, it had traveled at some
4 time from one state to another or between any part of the
5 United States and any other country.

6 **THE COURT:** Having heard those elements,
7 Mr.~Engram, do you have any questions about them?

8 **THE DEFENDANT:** No, Your Honor.

9 **THE COURT:** Do you have any questions about the
10 nature of the charges in this case against you as to
11 Count 2?

12 **THE DEFENDANT:** No, Your Honor.

13 **THE COURT:** Next, Mr.~Engram, I'm going to state
14 the maximum possible penalties applicable to Count 2. And
15 they are as follows:

16 Imprisonment for 10 years; if you're classified as
17 an armed career criminal, the term of imprisonment is not
18 less than 15 years; no more than life, a fine of \$250,000,
19 supervised release after imprisonment for three years, and a
20 special assessment of \$100.

21 If you plead guilty to Count 2, Mr.~Engram, and the
22 Court accepts your plea, I'm going to sentence you at some
23 point in the future. Do you understand that if you are
24 sentenced to serve time in prison, you may be subject to a
25 term of supervised release after you've been released from

1 prison?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** Do you understand that if you violate
4 one or more of the conditions of supervised release in that
5 instance, you may be returned to prison for all or part of
6 the supervised release period?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Do you have any questions about the
9 maximum possible penalties?

10 **THE DEFENDANT:** Do I have any questions about the
11 maximums? No, Your Honor, I don't.

12 **THE COURT:** And do you understand all of the
13 possible penalties?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** I next then, Mr.~Engram, will ask the
16 government's attorney to state the facts that the government
17 would be prepared to prove against you if your case went to
18 trial.

19 Ms.~Addison, would you please advise of the
20 government's evidence against Mr.~Engram.

21 **MS. ADDISON:** Yes, Your Honor.

22 Were the case to go the trial, the government would
23 expect to prove the following:

24 That Elijah Engram is a convicted felon, having
25 most recently been convicted of embezzlement out of Madison

1 County, Mississippi on August the 28th, 2017, which is a
2 crime punishable by more than one year in prison.

3 On December 10, 2019, Special Operations
4 Investigators with the Greenville Police Department executed
5 a search warrant on a residence located at 212 North Seventh
6 Street in Greenville, Mississippi. Officers determined that
7 four males lived in the rooming house including Elijah
8 Engram. Inside Mr.~Engram's bedroom investigators located a
9 black Jimenez Arms .22, which is a .22 L.R. caliber pistol,
10 under the air-conditioning window unit. A fellow boarder in
11 the residence corroborated that Engram kept a firearm.
12 Mr.~Engram waived his Miranda warning rights and stated that
13 he knew the firearm was present in the room because he had
14 previously placed the firearm in the window unit of his
15 room.

16 The government would show that the subject firearm
17 had been manufactured in a state other than Mississippi and
18 therefore, had previously traveled in interstate commerce to
19 arrive in the state of Mississippi.

20 And the government would finally show that these
21 events occurred in Washington County, which lies within the
22 Northern District of Mississippi.

23 **THE COURT:** Mr.~Engram, did you hear and understand
24 the government's evidence against you as just stated?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** Is everything that was said about you
2 and about your conduct true and correct?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Will you be pleading guilty here today,
5 Mr.~Engram, freely and voluntarily with full knowledge of
6 the charges because you are in fact guilty?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Has anyone threatened you or in any way
9 attempted to force you to plead guilty?

10 **THE DEFENDANT:** No, Your Honor.

11 **THE COURT:** The Court finds then that there is a
12 factual basis for you to enter your plea here today.

13 Regarding the plea agreement between Mr.~Engram and
14 the government, Ms.~Addison, would you please state its
15 substance for our record.

16 **MS. ADDISON:** Yes, Your Honor.

17 The United States Attorney proposes to the Court a
18 plea agreement to be filed in this cause under Rule 11(c) of
19 the Federal Rules of Criminal Procedure, and the defendant
20 has read and understands fully this plea agreement and
21 approves the agreement realizing of course that it's subject
22 to acceptance or rejection by the Court.

23 That plea agreement is that Mr.~Engram agrees to
24 enter a conditional plea of guilty under oath to Count 2 of
25 the indictment which is being, of course, gone over by the

1 Court. That conditional plea relates to the defendant
2 reserving his right to appeal the ruling issued by the Court
3 denying his motion to suppress.

4 The United States agrees not to charge the
5 defendant with any other offenses arising out of this
6 charge, but that agreement does not bind any other
7 prosecuting authority of any state or other federal
8 district, nor does it bind the Attorney General of the
9 United States with regard to any matter criminal, civil, or
10 federal tax laws.

11 If the defendant violates the agreement, all
12 statements made pursuant hereto will be admissible against
13 the defendant who waives the provisions of Rule 11(f) of the
14 Federal Rules of Criminal Procedure and Rule 410 of the
15 Federal Rules of Evidence. The defendant may be prosecuted
16 for all federal offenses including perjury and false
17 statements related to the plea agreement.

18 Apart from being advised of the guidelines related
19 to Mr.~Engram's case, there has been no promise or
20 representation whatsoever made to the defendant about what
21 punishment the Court might impose if it accepts Mr.~Engram's
22 plea of guilty. This agreement reflects all promises,
23 agreements, and understandings between the defendant and the
24 United States Attorney. The defendant's agreement is
25 knowing, free, and voluntary; not the product of force,

1 threat, or coercion. The defendant is pleading guilty
2 because he is in fact guilty.

3 The government would add that in the plea
4 supplement, it has no objection to the defendant receiving a
5 reduction for acceptance of responsibility. If the
6 defendant's advisory sentencing guideline offense level is
7 16 or above, the government agrees that he is eligible for
8 the three-point reduction for acceptance of responsibility.
9 And otherwise, there is no agreement as to the sentence
10 imposed.

11 **THE COURT:** Thank you.

12 Mr.~Engram --

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** -- having heard the terms of the plea
15 agreement that you entered into with the government, did the
16 government's attorney accurately state those terms as you
17 understand them to be?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** And do you indeed understand all of the
20 terms of the plea documents?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** The government's attorney mentioned
23 that you-all agreed that you qualify for acceptance of
24 responsibility. Did you hear that part?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** Do you understand that the Court is not
2 bound to accept that, if the Court rejects the entirety of
3 the plea agreement?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Did you have the opportunity to read
6 the plea documents and discuss them with your attorney?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Now, I was provided a copy of those
9 plea documents before this hearing, Mr.~Engram, and I did
10 review them. They show a signature --

11 **THE DEFENDANT:** Yes, ma'am.

12 **THE COURT:** They show a signature on them that is
13 represented to be yours. So I would like you to confirm
14 that when you -- the signature that is shown to be yours is
15 indeed where you signed the plea agreement and the plea
16 supplement?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** Ms.~Nordstrom, can you confirm that
19 before Mr.~Engram signed the plea documents that you
20 discussed their terms with him as well as reviewed the facts
21 of the case and the government's evidence with him?

22 **MS. NORDSTROM:** I did, Your Honor.

23 **THE COURT:** Do you believe Mr.~Engram will be
24 entering into this plea freely and voluntarily with full
25 knowledge of the charges and the consequences of the guilty

1 plea?

2 **MS. NORDSTROM:** I do, Your Honor.

3 **THE COURT:** The plea agreement will be filed; the
4 plea supplement will be filed under seal.

5 Mr.~Engram, do you understand that the offense in
6 Count 2 is a felony?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Do you understand that if you plead
9 guilty to that felony and the Court accepts your plea, I'm
10 going to enter a judgment of guilty against you with respect
11 to that felony? Now, that judgment may deprive you of
12 certain civil rights such as the right to vote, the right to
13 hold public office, the right to sit on a jury, and very
14 important, as you know, the right to possess any kind of
15 firearm whatsoever. Do you understand that?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** To the extent that you do plead guilty,
18 Mr.~Engram, and I sentence you, I'm going to be guided by
19 the Sentencing Commission's guidelines. Those guidelines
20 are only advisory, so the Court is not bound to follow them
21 if the Court chooses not to do so. Have you and your
22 attorney discussed how these sentencing guidelines might
23 apply to your case?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** Do you understand the Court won't be

1 able to determine your guideline sentence until after a
2 Presentence Report has been prepared and you and your
3 attorney as well as the government's attorney have had the
4 opportunity to review it and decide if you have any
5 objections to the reported facts or the application of the
6 guidelines as recommended by the probation officer?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Do you understand that after your
9 guideline range has been determined, the Court has the
10 authority in some circumstances to depart upward or downward
11 from the guidelines, meaning the Court may impose a sentence
12 that is more severe or less severe than what is called for
13 by the guidelines?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** Do you understand that regardless of
16 the guidelines range, the Court has the authority to
17 sentence you up to the maximum time allowed by law?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** Do you understand as well that if you
20 are sentenced to serve time in prison, you will not be
21 released on parole because parole has been abolished in this
22 federal court?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** I have one final set of questions for
25 you, Mr.~Engram, before I ask for your plea. These

1 questions concern your constitutional rights, and in
2 particular your giving up of these rights if you plead
3 guilty here today.

4 First, do you understand that you have the right to
5 plead not guilty?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Do you understand that under the
8 Constitution and the laws of this country, you're entitled
9 to a speedy and public trial by jury on the charges against
10 you?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** Do you understand that if you had a
13 trial, you would be presumed innocent and the government
14 would have to come into court and prove beyond a reasonable
15 doubt your guilt?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** Do you understand that if you had a
18 trial, the government's witnesses would have to come into
19 court and testify in your presence, that you could
20 cross-examine through your attorney the government's
21 witnesses, and that your attorney could also call witnesses
22 to testify on your behalf?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** Do you understand that if you had a
25 trial, you would have the right to require that witnesses

1 come to court and testify?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** Are you also aware that if you had a
4 trial, you would have the right to testify on your own
5 defense but if you chose not to testify, the fact that you
6 did not testify could not be used against you?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Do you understand that if you had a
9 trial and you were convicted, you would have the right to
10 appeal your conviction and sentence?

11 Would you like me to repeat that one, Mr.~Engram?

12 Looks like Mr.~Engram -- okay, I'm sorry,
13 Mr.~Engram, your screen was frozen for a minute there. We
14 couldn't hear you. So I'm going to ask you that question
15 again.

16 Do you understand if you had a trial, you would
17 have the right to appeal your conviction and your sentence?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** Finally, Mr.~Engram, based on all the
20 questions that I've asked you, do you understand that if you
21 plead guilty and the Court accepts your plea, there is not
22 going to be a trial and I'm going to enter a judgment of
23 guilty and then sentence you after I've considered a
24 Presentence Report?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** Do you have any questions at all about
2 your constitutional rights or giving up your constitutional
3 rights?

4 **THE DEFENDANT:** No, Your Honor.

5 **THE COURT:** Has your attorney specifically
6 discussed giving up your constitutional rights with you?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Having discussed giving up these rights
9 with your attorney, is it still your wish to plead guilty to
10 Count 2?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** Mr.~Engram, I'm about to ask you for
13 your plea. If you have any questions or concerns, now would
14 be the time to raise them. Do you have any questions or
15 concerns at this point?

16 **THE DEFENDANT:** No, Your Honor.

17 **THE COURT:** In the matter of the United States of
18 America versus Elijah Raymond Engram, how do you plead to
19 Count 2 of the indictment?

20 **THE DEFENDANT:** Guilty, Your Honor.

21 **THE COURT:** It is the finding of this Court then in
22 this case, Mr.~Engram, that you're capable and competent of
23 entering an informed plea, that you're aware of the nature
24 of the charges and the consequences of the guilty plea, and
25 that your guilty plea is knowing, voluntary, and contains

1 each of the essential elements of the offense, and it is not
2 the result of force, threats, or promises.

3 The Court therefore accepts your plea, Mr.~Engram.
4 You are now adjudged guilty of the offense in Count 2. The
5 Court accepts as well your plea agreement that you entered
6 into with the government.

7 What will happen moving forward, Mr.~Engram, is the
8 probation office will prepare a Presentence Report at the
9 Court's request. You're going to be questioned by the
10 probation officer for purposes of that report. I encourage
11 you to have your attorney present while you are being
12 questioned by the probation officer. I also encourage you
13 to answer all of the questions asked of you honestly because
14 your answers will be incorporated into the Presentence
15 Report, and I read every single word of that Presentence
16 Report in determining what I believe is an appropriate
17 sentence in your case.

18 I'm going to set your sentencing hearing for
19 January 19, 2022. It is set that far out, Mr.~Engram,
20 because it will allow the probation officer time to prepare
21 the Presentence Report. I've already mentioned how
22 important that document is. Now, of course, there could be
23 some occasion when it may be ready earlier so that the Court
24 could have your sentencing hearing earlier. But if that
25 does happen, then we would give notice to your attorney and

1 your attorney could give notice to you. But for now, your
2 sentencing will be set for January 19, 2022.

3 At your sentencing hearing, Mr.~Engram, you may
4 make -- and in fact, I will specifically invite to you to
5 make a statement on your own behalf. You are not required
6 to speak at your hearing but I am always very interested in
7 anything that you believe I should take into account before
8 I sentence you. Of course, your attorney will have the
9 opportunity to speak on your behalf as well.

10 One thing that you may do, if you wish, Mr.~Engram,
11 is have persons submit character reference letters on your
12 behalf. It is not a requirement. So if you don't ask
13 persons to write letters on your behalf, it will in no way
14 affect how the Court sentences you. However, if you would
15 like persons to submit letters on your behalf, please go
16 ahead and ask them to write those letters as early as
17 possible so that they could be provided to your attorney and
18 your attorney could file them on the docket in your case to
19 make sure that I see them and read them before your
20 sentencing hearing. They can be from anyone you wish:
21 Friends, family, people in your community, people in your
22 church, people you've worked for, anyone at all. But it is
23 entirely your choice. Again, it is not a requirement.

24 So sentencing is January 19, 2022. There will be
25 some presentencing deadlines that will be set and included

1 in the order setting sentencing.

2 I wanted to just ask one last question, or maybe
3 more than one question about your current situation,
4 Mr.~Engram. Initially, I understood that you were out on
5 bond in this federal case. But I understand now that there
6 is a pending state revocation matter based on your arrest in
7 this case. And that's the reason that you're in custody
8 now. Is that correct?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** Do you know, Mr.~Engram, when your
11 revocation hearing -- your state court revocation hearing
12 is set?

13 **THE DEFENDANT:** No, Your Honor, I do not. I have
14 no information regarding this revocation hearing whatsoever.

15 **THE COURT:** Okay, I mention that only because to
16 the extent that this Court, the magistrate judge that you
17 appeared in front of for your initial appearance and/or
18 arraignment, had set that bond in this federal court for
19 you. Of course, you're in custody now, so the Court -- this
20 Court can't do anything about that. But if you find out
21 before your sentencing hearing that you had that revocation
22 hearing and it goes in your favor, then your attorney can
23 ask this Court to release you based upon the bond that was
24 set by the magistrate judge initially. Of course, if your
25 revocation hearing is not decided before your sentencing,

1 then you will remain in custody until your sentencing
2 hearing.

3 Do you understand what I've said?

4 **THE DEFENDANT:** Your Honor, could you repeat that
5 for me? It was kind of fluttering a little bit.

6 **THE COURT:** Sure. The short of it is this Court
7 initially set a bond for you such that you were not in
8 custody. You ended up being taken back into custody by
9 state authorities, not this federal court, because of the
10 revocation matter. If that revocation matter is resolved in
11 your favor before your sentencing hearing, then you can have
12 your attorney to ask for your release pending sentencing
13 based upon this Court's initial finding that you could stay
14 out on a bond. Is that clear? Is that better?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Okay. All right, then. Is there
17 anything further from anyone?

18 **MS. ADDISON:** No, Your Honor, not from the
19 government.

20 **MS. NORDSTROM:** Nothing from the defense, Your
21 Honor.

22 **THE COURT:** All right. Hearing nothing, then,
23 Mr.~Engram, I will see you -- if you're not released on your
24 revocation matter, I will see you on January -- what did I
25 say -- 19, 2022. That is a Wednesday.

